IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 811 of 2007(V)

PETITIONER:

P.J.VARGHESE, S/O.JOSEPH,PATTERIYIL HOUSE, KUMARANALLOOR (P.O.), MUKKAM, KOZHIKODE.

BY ADV. SRI.C.K.ABDUL REHIM

RESPONDENTS:

1.STATE OF KERALA, REP. BY ITS SECRETARY TO REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2.THE REVENUE DIVISIONAL OFFICER, KOZHIKODE.

3.THE VILLAGE OFFICER, KUMARANALLOOR, MUKKAM, KOZHIKODE.

4.SMT.SHYAMALA,W/O.MOHANAN,THEKKEPPURATH HOUSE, NANNALAMKUNNU, KUMARANALLOOR, MYSORE MALA (P.O.), MUKKAM, KOZHIKODE.

BY GOVT.PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.811 OF 2007

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Dated this the 8th day of January 2007

JUDGMENT

Petitioner is conducting stone quarrying operation. Petitioner's grievance is that his quarrying operation is stopped under orders of the Village Officer. Since RDO directed the Village Officer to verify and report after conducting an enquiry, obviously proceedings are initiated by RDO on complaint from the 4th respondent. Petitioner's grievance is that even without giving a copy of the complaint to the petitioner enquiry is first ordered by the RDO.

2. Since RDO is certainly competent to consider the grievance of 4th respondent or public for that matter, writ petition is disposed of with a direction to second respondent to complete the enquiry, hear the complainant and petitioner and dispose of the complaint either approving quarrying by petitioner and if there is any objection, impose conditions for petitioner to rectify and continue quarrying. If quarrying cannot be permitted for any valid reason, the same should be communicated to the petitioner

through a proper order. Second respondent is directed to pass orders within two weeks from production of this judgment by petitioner. Petitioner will produce copies of licenses and clearances held by him for quarrying operation along with copy of the judgment.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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